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Report of the Independent Expert on human rights and international solidarity on her mission to Norway*

Note by the Secretariat

In her report, the Independent Expert on human rights and international solidarity presents the findings of her visit to Norway from 19 to 23 September 2016. The main purpose of the visit was to observe how human rights are integrated into the design and implementation of the international development cooperation activities of Norway and the impact of the country's long-standing commitment to development assistance on the promotion and protection of human rights. The Independent Expert acknowledges and commends the progressive approach taken by Norway to integrating human rights principles in the conduct of its foreign policy and the country's commitment to upholding the principle of solidarity while implementing the 2030 Agenda for Sustainable Development. Norway has made targeted efforts to mainstream human rights in development cooperation, including in the promotion of the principles of non-discrimination, participation and good governance. The Independent Expert encourages the Government to continue refining its policy of human rights mainstreaming in all aspects of foreign policy. She also encourages Norway to continue promoting and upholding the guiding principles on business and human rights, especially in its oil industry.

* The report was submitted after the deadline in order to reflect the most recent developments.

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** Circulated in the language of submission only

I. Introduction

1. The Independent Expert on human rights and international solidarity, Virginia Dandan, visited Norway from 19 to 23 September 2016, at the invitation of the Government. The aim of the visit was to observe how Norway had integrated a human rights-based approach in its foreign policy in general and in its development cooperation in particular. The Independent Expert recalls that States have a duty to provide assistance to other States who lack the resources and capacity to fulfil their human rights obligations, for example through international cooperation and economic and technical assistance. International solidarity requires international development cooperation to be grounded in fundamental human rights principles and to be geared towards the universal realization of human rights and the promotion of mutual respect and equal partnerships. International solidarity necessarily emanates from cooperation policies decided at the national level and requires the adoption of a participatory approach. Adequate measures must be in place to allow for meaningful consultations to take place with those who are likely to be affected, whether directly or indirectly, by international cooperation. The impact of such cooperation must be compatible with human rights principles.

2. During her visit, the Independent Expert met with various departments in the Ministry of Foreign Affairs in charge of development assistance policy, representatives of the Ministry of Climate and Environment, the immigration and integration section of the Ministry of Justice and Public Security, as well as the Norwegian Agency for Development Cooperation (Norad), the Norwegian Investment Fund for Developing Countries (Norfund) and FK Norway. She also met with civil society actors working in cooperation with the Government as implementing partners in developing countries.

3. The Independent Expert is grateful to the Government of Norway for its invitation and full cooperation during her visit. She also extends her thanks to the Oslo Governance Centre of the United Nations Development Programme (UNDP) for assisting in coordinating the visit and to all the stakeholders who took the time to meet with her.

II. Relevant human rights framework

4. Norway is party to most international human rights instruments (see A/HRC/WG.6/19/NOR/1, paras. 8-11), although it has yet to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

5. In its report for the second cycle of the universal periodic review, Norway underlined that international human rights guided Norwegian foreign and development policy and that its goals were to promote democratic principles and human rights and to help people out of poverty. The Government was committed to human rights education and to combating gender-based violence and oppression. Moreover, it had a policy of paying particular attention to vulnerable groups.

6. In its latest report to the Committee on Economic, Social and Cultural Rights, Norway asserted that international human rights conventions formed the normative basis for its development policy (see E/C.12/NOR/5, para. 14).

7. Norway is also party to a number of European instruments, including the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols and the European Convention on the Legal Status of Migrant Workers. Norway participates in the European Economic Area and is thus integrated into the single market, which applies to the free movement of people, goods, capital and services, environmental protection, State aid, research and public procurement. A priority for Norway in its cooperation with States members of the European Union is to reduce economic and social disparities in Europe through the provision of grants.

III. Foreign policy and human rights

A. White paper on human rights and foreign policy

8. In 2015, the parliament of Norway adopted a white paper entitled "Opportunities for all: human rights in Norway's foreign policy and development cooperation", in which the Government acknowledged the increasing stress on human rights around the world and noted that the shift in global power relationships warranted a new human rights approach to foreign policy and development cooperation. Thus, priority should be given to supporting efforts to build well-functioning States and strengthening the rule of law. The promotion and protection of human rights worldwide was a matter of national interest because it fostered a safer and more open world, as well as greater peace and stability. Implementation of the policies set out in the white paper started in 2016.

9. The Government committed itself to placing human rights, democracy and the rule of law at the heart of its foreign and development policy. The Independent Expert notes with appreciation that the white paper was the result of a broad and inclusive process. In preparing it, the Ministry of Foreign Affairs consulted government agencies, the business sector, civil society organizations and others, all of which provided written input.

10. Norway has adopted an integrated approach to promoting human rights and identified three priority areas: individual freedom and public participation; the rule of law and legal protection; and equality and equal opportunity. Individual freedom and public participation focuses on freedom of expression, assembly and association, freedom of religion or belief, the right to education, support for human rights defenders and promotion of independent media. Norway also emphasizes the right to life, the development of fair and effective legal systems, the protection of private property rights, the fight against corruption and the protection of personal privacy. In the white paper, it recognized the rights of women and children, the right to health and food, and the struggle against all forms of discrimination.

11. The Government aims to achieve policy coherence in the area of human rights, which is why the promotion and the protection of human rights are integrated into all aspects of foreign and development policies. The Government has also worked on mainstreaming the three human rights priorities into policy development in other areas of foreign policy and international cooperation and has expanded the list of cross-cutting issues from three mandatory elements to four, namely: human rights, especially the principles of non-discrimination, accountability and participation; women's rights and gender equality; climate and the environment; and anti-corruption.

12. Norway has long been recognized as one of the world's leading countries in terms of providing official development assistance (ODA). It is one of only six Development Assistance Committee members to have met the commitment to dedicating at least 0.7 per cent of the gross domestic product to financing development. Norway has consistently maintained its level of development assistance, having spent about 1 per cent of its gross national income (GNI) on ODA every year since 2009.[1]

13. Norway views development cooperation as an important aspect of foreign policy and as a means of minimizing the negative effects of globalization. However, based on the understanding that aid alone will not allow developing countries to meet current global challenges, Norway views aid as a strategic investment and has increasingly invested in bilateral initiatives focused on resource management and private sector development such as the Oil for Development and Tax for Development programmes.

[1] See www.oecd.org/dac/norway.htm.

B. Commitment to the Sustainable Development Goals

14. Norway views the 2030 Agenda for Sustainable Development as transformative guidance for domestic and global efforts to end extreme poverty and promote prosperity, peace and justice. The Prime Minister is Co-Chair of the group of Sustainable Development Goals Advocates[2] and Norway was among the first to report progress on the Goals at the High-level Political Forum on Sustainable Development held in New York in July 2016.[3] On that occasion, Norway reiterated its commitment to international solidarity and identified priority targets that included sustainable consumption and production, health and education, equality, employment and migration. It also reiterated its pledge to "promote technology and knowledge transfer; open trade and market access; and capacity-building to ensure effective and accountable governance institutions and respect for the rule of law and human rights."[4]

15. The Government informed the Independent Expert that the process of preparing for the initial voluntary national review in the framework of the High-level Political Forum had contributed to greater political and public awareness about the Sustainable Development Goals.[5] It stressed that it would seek to ensure that national and international efforts to meet the Goals were in line with relevant human rights norms and standards. With that in mind, Norwegian priorities included education and health, and Norway was committed to working in partnership with the private sector and with the United Nations, the World Bank and other organizations to strengthen non-discrimination and gender equality.

16. During her visit, the Independent Expert observed that solidarity with the poor and the most vulnerable was strongly supported by political parties in the Norwegian parliament. There was a consensus that the policy goal linked to the Sustainable Development Goals should be to prioritize the eradication of extreme poverty by 2030.

17. The Government has developed a plan for following up on the Sustainable Development Goals that is linked to the budget process. Responsibility for each Goal is given to a coordinating ministry, which is in turn entrusted with consulting with other ministries to follow up on various targets under the relevant Goal. Each of the 11 ministries concerned must report to parliament on progress made towards its respective Goal or Goals in its annual budget proposal, to ensure annual reporting. However, some concerns have been raised about the lack of a comprehensive, long-term global strategy for the implementation of the Goals that involves all stakeholders. Indeed, because the current scheme is tied to annual budget reporting, there may not be a medium-to-long-term projection of expected results for the various targets.

IV. Specialized institutions for development cooperation

A. Norwegian Agency for Development Cooperation

18. Norad is a directorate under the Ministry of Foreign Affairs. Its primary goals are to ensure the optimal allocation of development funds to priority areas such as education, health and climate, to provide technical advice and to report on achievements and pitfalls. It operates in five main areas: aid advisory services; quality assurance and monitoring; grant programmes; communication; and evaluation. Norad was once the official development assistance organization in Norway. In 2004, the responsibility for State-to-State official development assistance was transferred to the Ministry of Foreign Affairs. Norad has since been responsible for funding activities of non-governmental organizations in developing

[2] See www.un.org/sustainabledevelopment/sdgadvocates.

[3] See https://www.regjeringen.no/en/aktuelt/norway_sdg/id2503240.

[4] See https://sustainabledevelopment.un.org/content/documents/10542Norway%20HLPF%20report.pdf.

[5] See https://sustainabledevelopment.un.org/content/documents/10542Norway%20HLPF%20report.pdf.

countries, funding programmes relating to education and health, contributing to the management of development funds and evaluating the efficiency and impact of development cooperation activities. It also manages the Oil for Development programme and the disbursement of 14 per cent of ODA.

19. The Oil for Development programme, which started in 2005, enables international collaboration to build capacity in developing countries to reduce poverty through the sustainable management of petroleum resources. The initiative encourages public institutions in Norway and in partner countries to enter into long-term cooperation agreements. Within the framework of the initiative, Norway stresses the importance of supporting civil society by providing a means to hold the relevant authorities accountable and by requiring partner countries to demonstrate that they can be held accountable for the management of petroleum resources.

B. Norwegian Investment Fund for Developing Countries

20. Norfund was established by the Norwegian parliament in 1997 to combat poverty through private sector development. Governed by the Ministry of Foreign Affairs, Norfund works to promote sustainable commercial businesses in developing countries through the allocation of capital from its development assistance budget.[6]

21. Norfund enters into joint investments with experienced Norwegian or non-Norwegian partners in order to leverage additional capital and secure relevant sectoral or local expertise. It can also enable public-private partnerships. Its actions are aligned to the core principles of the development cooperation policy of Norway. Norfund invests in clean energy, finance and agribusiness, and in small and medium-sized companies through investment funds. It invests primarily in Southern and East Africa, South-East Asia and Central America.

22. Norfund is guided by the International Finance Corporation (IFC) performance standards. In each investment department there is a person who monitors environmental and social issues to ensure conformity with the standards. Norfund endeavours to assess both the positive and negative potential impact of its investments. It does not finance projects that would result in irreparable environmental damage, nor does it work with partners who are unwilling to ensure safe and fair labour conditions. All the companies in which it invests must commit to gradually raise their performance in respect of the eight IFC performance standards. Norfund assesses the impact of its investments on development, including in terms of the quality of the jobs created and women's participation, on an annual basis.

C. FK Norway

23. FK Norway, also known as the Norwegian peace corps, was established in 1963 to send young Norwegians to serve other communities as ambassadors, in a spirit of solidarity and on the principle of people-to-people cooperation. In the 2000s, its philosophy evolved, transforming the organization into a mutual exchange programme that was based on partnership and on the provision of equal opportunities for young people around the world to serve in Norway or to engage in South-South cooperation initiatives. In that sense, the organization was pioneering the idea of reciprocity as a principle of solidarity. Of its activities, 61 per cent are conducted in partnership with civil society organizations. In 2015, FK Norway had a budget of $25 million, enabling 554 individuals to participate in its activities. In its 2015 report, FK Norway underscored the importance of the Sustainable Development Goals in providing a framework for cooperation to promote human dignity and human rights so as to leave no one behind. FK Norway seeks to promote reciprocity in long-lasting relationships and embraces a bottom-up approach to development.

[6] See www.norfund.no/om-oss_2

24. The Norwegian parliament allocates funds in the national budget every year to the organization. FK Norway focuses its work in the areas of youth, health, private sector development and education. In addition, it promotes a rights-based approach to development by advocating the right to participation. The organization has noted that volunteers tend to become more politically active when they return home and develop as young leaders. FK Norway supports a number of advocacy organizations engaged in promoting specific rights, including women's rights, children's rights and disability rights. The volunteer programme also promotes awareness-raising on solidarity at the domestic level.

V. Official development assistance

25. The development policy of Norway aims at influencing the most important factors that affect poverty and development at the national level, including "a well-functioning State that safeguards peace, security and human rights, delivers basic services to the population, and ensures that there are good conditions for healthy economic activity and trade"; an active business sector; and "a vibrant civil society, with free media and active pressure groups".[7] It seeks to establish sustainable governance structures that will enable countries to become less fragile. Norway holds the view that a human rights-based approach to development cooperation ensures quality development cooperation and contributes to sustainable results regardless of sector and theme. The commitment to human rights means that all projects and services must be based on human rights principles, particularly non-discrimination and participation; this holds truest for projects and services that affect vulnerable groups and those most in need of assistance.

26. The Government has mapped out policies for its development cooperation in various white papers, on foreign policy, development assistance and humanitarian aid. Those white papers and the related recommendations made by the parliament form the basis of the Government's aid policy framework and commitments. The development assistance provided by Norway focuses on six thematic priorities: education; humanitarian assistance; health and vaccination; private sector development; sustainable energy, climate change adaptation and mitigation; and human rights.

27. In 2015, the Norwegian development aid budget amounted to NKr 34.5 billion, corresponding to 1.05 per cent of the country's GNI and representing an increase of 8.7 per cent in real terms compared to 2014, due primarily to the increase in refugee-related costs. It is also noteworthy that Norway reported its in-donor refugee costs as ODA in 2014 and 2015. ODA has played a major part in supporting the costs of the immediate response to the refugee crisis domestically in several countries that are members of the Development Assistance Committee (DAC) of the Organization for Economic Cooperation and Development (OECD). DAC rules allow member countries to count certain refugee-related expenses as ODA. However, the recording of those costs as ODA has been consistently controversial for not being in line with the main objective of ODA, which is to promote the economic development and welfare of developing countries. DAC is considering clarifying the rules under which refugee costs can be counted as ODA and strongly encourages its member countries to refrain from diverting aid meant for the poorest countries towards humanitarian costs at home. Norway is the second-largest provider of ODA as a percentage of GNI, and the ninth-largest by volume.[8]

A. Humanitarian assistance

28. Norway strives to be a leading political and financial partner for the humanitarian community. It seeks to provide high-quality responses, address difficulties with diplomacy and prioritize risk reduction. It acts in conformity with international humanitarian standards

[7] See https://www.unece.org/fileadmin/DAM/operact/Technical_Cooperation/Norwegian%20Development%20Cooperation.pdf.

[8] See www.oecd.org/dac/norway.htm.

and connects humanitarian, foreign and development policy, recognizing that its national interest is served by crisis prevention and that humanitarian action is a key element of cooperation for peace and sustainable development. However, the 2013 OECD/DAC review of Norway highlighted the lack of synergies between humanitarian and development programmes to support recovery and crisis prevention commitments. Norway is continuously reviewing policies in the fields of humanitarian affairs and development cooperation in order to achieve synergies.

29. Norway maintains a practical approach to humanitarian action that relies on flexible and longer-term funding for relief and recovery in order to promote a holistic response. In 2015, emergency assistance accounted for 9.3 per cent of all aid, 42 per cent of which went to the Middle East and to supporting Syrian refugees. That assistance was primarily funnelled through the Office of the United Nations High Commissioner for Refugees, the World Food Programme and Norwegian non-governmental organizations. Norway is also committed to increasing its support for regional and international early warning systems, including by strengthening the capacity of the United Nations to analyse unrest and conflict and by improving joint analysis and information-sharing between the United Nations and non-governmental organizations.

B. Solidarity with migrants and refugees

30. Norway is confronted with the same immigration challenges as many other Western European countries are when it comes to managing the growing number of migrants. There has been a steady rise in immigration and a change in the profile of immigrants, as asylum seekers have started to outnumber labour migrants. The Government's approach has generally been to encourage voluntary departure after a negative decision on asylum claims has been made, viewing it as a more humanitarian, cost-effective and more efficient means of return than forced repatriation. In order to ensure a more efficient return procedure, the Government has tried to initiate negotiations on readmission agreements particularly with countries of origin where readmission is difficult to secure. At the time of the visit of the Independent Expert, there was no clear indication on how or whether Norway would develop any further opportunities for safe and regular migration.

31. Norway has hosted an office of the International Organization for Migration (IOM) in Oslo since 2002 and worked jointly with the organization to develop different reintegration programmes that provide support to returnees. Norway is also involved in the Equi-Health project, run by IOM, which promotes the provision of health services to migrants, Roma and other vulnerable groups in European Union and European Economic Area countries. Norway also cooperates with the European Union to address problems in the Mediterranean area.

C. Health and vaccination

32. In its 2012 white paper on global health in foreign and development policy, Norway highlighted priorities for a coherent policy on global health towards 2020 with a particular focus on mobilizing action for women's and children's rights and health, reducing the burden of disease, with an emphasis on prevention, and promoting human security through health, among other areas. Norway has pledged to be at the forefront of efforts to mobilize a strong and broad global consensus on cooperation to address national health needs through diplomacy and economic support.

33. Norway has reiterated that health and access to basic health services are fundamental human rights and a prerequisite for economic growth. Contributions in this area are mainly channelled to public-private partnerships like the Global Alliance for Vaccines and Immunization (GAVI), the Global Fund to Fight AIDS, Tuberculosis and Malaria and the Global Strategy for Women's, Children's and Adolescents' Health (2016-2030). Norway pledged NKr 600 million to the Global Fund in 2016 and has contributed to access for anti-retroviral medicines for close to 16 million people through support to the Global Fund, the

Joint United Nations Programme on HIV/AIDS and the International Drug Purchasing Facility.

34. Norway has become a well-known global health actor through its financial contributions, health diplomacy and political mobilization. Its foreign and development policy emphasizes child and maternal health care and the prevention and treatment of communicable diseases. It also seeks to strengthen health systems, manage pandemics and address the health workforce crisis, protect and promote sexual and reproductive health and rights, and support global health research and knowledge development and the fight against female genital mutilation.

35. Norway underscores that a rights-based perspective in global health efforts is the basis for achieving results in other areas such as improving the position of women, bearing in mind that the underprivileged position of women in many societies is also partly explained by high levels of maternal and child mortality and obstacles to accessing sexual and reproductive health care. In that regard, investments in women's health and education and in strengthening women's political and economic influence, in addition to the efforts to realize the specific health targets for women and mothers, are key to achieving the Sustainable Development Goals.

D. Education

36. Education is a top priority in the foreign and development policy of Norway, and the country is committed to doubling the resources allocated to education over a four-year period, to which end it set aside NKr 2.9 billion in 2016. Norway seeks to provide equal school enrolment, education completion and basic skills opportunities to all children.

37. Norway promoted the establishment of and continues to support the International Commission on Financing Global Education Opportunity led by the United Nations Special Envoy for Global Education. Through its development assistance, Norway prioritizes education in situations of conflict and emergencies, for women and girls and for vulnerable and marginalized groups, such as children with disabilities and indigenous peoples. Although the majority of the support it provides to improving and increasing the availability of education worldwide is channelled through multilateral organizations, Norway also engages in bilateral assistance to promote education in a number of countries.

E. Climate and the environment

38. The Government recognizes that climate change and the loss of biodiversity are grave environmental threats. It has prioritized efforts to achieve target 1.5 of the Sustainable Development Goals by supporting the Global Framework for Climate Services and the Global Facility for Disaster Reduction and Recovery. It considers that achieving most of the Goals will require building resilience and capacity for climate adaptation. The framework for Norwegian environmental cooperation focuses on four areas: sustainable management of biological diversity and natural resources; climate change and access to clean energy; management of water resources, water and sanitation; and hazardous substances.

39. Norwegian climate policy stresses that sustainability should be the principal element for all development and is founded on the principles of equitable distribution, international solidarity, the precautionary principle, the polluter pays principle and the principle of a common commitment. The Ministry of Foreign Affairs underlines that human rights are at the core of climate and environmental policy, that a gender perspective must be taken into account in climate and environmental policy that it is vital to work towards sustainable development and climate change adaptation and that there must be a transition to a low-emission economy.

40. The international support provided by Norway for achieving food security while maintaining a climate change perspective is rights-based and directed towards smallholders in general and women smallholders in particular. Norwegian policies are based on

Committee on World Food Security guidelines and seek to promote productivity and resilience and to assist smallholders' participation in decision-making.

41. Norway gave NKr 1.8 billion to food-related interventions in 2015, an amount that represents 5 per cent of its total aid budget. More than half of it was distributed through United Nations agencies, specifically the Food and Agriculture Organization, the World Food Programme and the International Fund for Agricultural Development. According to the Government, "support for food security offers unique opportunities for reducing vulnerability and building resilience, and strengthening the link between humanitarian and long-term assistance".[9]

42. Within the framework of its International Climate and Forest Initiative, Norway has partnered with key countries to advance the United Nations Programme on Reducing Emissions from Deforestation and Forest Degradation and the Role of Conservation, Sustainable Management of Forests and Enhancement of Forest Carbon Stocks in Developing Countries (REDD-plus). The Independent Expert notes with appreciation that within that framework Norway has contributed to building the capacity of indigenous peoples and local forest communities by encouraging its partners to consult and involve them in their projects. As part of its policy approach, Norway has stressed the importance of respecting the rights of indigenous peoples and local forest communities, including their right to participate in the planning and implementation of processes that affect their livelihoods and the land areas they inhabit or otherwise use. Norway has endeavoured to mention indigenous peoples in bilateral cooperation and chosen, whenever the issue was contentious, to refer to the various groups concerned by their preferred name instead of by the term "indigenous peoples". As an outcome of its long-standing cooperation with Brazil, Norway has come to recognize that indigenous peoples and local forest communities are among the most capable forest managers because of their life-nourishing link to their environment.

43. Norway has incorporated climate change into its risk assessment for development programmes by considering both the effects of development cooperation on the environment and the potential effects of climate change on development cooperation. This process, labelled "climate proofing", is facilitated by a practical guide produced by Norad on how climate issues are taken into consideration in the project cycle.[10] Norway also follows the advice contained in *Integrating Adaptation to Climate Change into Development Co-operation: Policy Guidance*, published by OECD.

44. Within the framework of the 2015 Paris Agreement on climate change, Norway has committed itself to reducing its emissions by at least 40 per cent from the 1990 level by 2030. Norway has identified the following as priority areas of its climate policy: reduction of emissions from the transport sector; development of low-emission industrial technology and clean production technology; carbon capture and storage; strengthening the role of Norway as a supplier of renewable energy; and environmentally sound shipping.[11] However, Norway is faced with a dilemma, as fossil fuel production represents a significant part of its economy. Concerns have been raised that, while Norwegian forest and climate initiatives have yielded good results in terms of rainforest sustainability, those results may be used to offset the country's own carbon foot print. Moreover, civil society actors have expressed concern about the perceived lack of a firm commitment to significantly reduce carbon emissions domestically.

F. Private sector development

45. In recent years, Norway has placed greater emphasis on private sector development. Its growing commitment to that area is reflected in the white paper entitled "Working together: private sector development in Norwegian development cooperation". The main

[9] See https://sustainabledevelopment.un.org/content/documents/10692NORWAY%20HLPF%20REPORT%20-%20full%20version.pdf.

[10] See www.norad.no/en/front/thematic-areas/climate-change-and-environment/climate-proofing.

[11] See https://www.regjeringen.no/en/dokumenter/meld.-st.-13-20142015/id2394579/sec4.

focus of the paper is to identify how the country's private sector development cooperation should be organized and which measures the Government should pursue to use development assistance strategically and mobilize private investments that promote development, job creation and poverty reduction.

46. In the words of the Government, "Norwegian companies are increasing their investments and creating more jobs in growth markets ... In some countries, the Norwegian business sector provides a significant source of income, and has a considerable effect on overall economic development."[12] Business sector activity can promote human rights and facilitate intergovernmental dialogue, as well as contribute to economic growth and development. Many Norwegian companies have incorporated human rights in their global business strategies, and the Government seeks to promote even greater responsibility in the conduct of business.

47. Norwegian bilateral support for private sector development in developing countries is mainly managed by Norad, through grants, and Norfund, through investments. During the period 2012-2014 Norway mobilized $104 million from the private sector through shares in collective investment vehicles.

VI. Effectiveness of official development assistance

48. Norway has managed to almost achieve its aid targets every year thanks to public and political support for development cooperation and a strong economy. Norway calculates its ODA budgets as a percentage of GNI, ensuring that likely future economic growth will result in a higher amount of aid. The manner in which aid has been allocated, however, has been less predictable. Rather, the annual budget process includes aid funding decisions based on the Government's policy priorities and on local needs and opportunities. Norway does not have a defined geographic focus and is shifting away from prioritizing certain countries. In recent years, it has allocated larger shares of bilateral ODA to South America and global initiatives, as well as to upper-middle-income countries.

49. By sector, the largest share of 2011 Norwegian bilateral aid went to environment and energy, followed by economic development, trade and good governance. In its 2013 peer review report, OECD recommended that Norway develop a clearer timeline and work harder to identify how to make the best use of development resources in the context of its International Climate and Forest Initiative, which had had a low aid disbursement rate.[13]

50. Norway does not have an overarching strategy for multilateral ODA allocations, but there is a white paper outlining its strategy for working with the United Nations entitled "Norway and the United Nations: common future, common solutions". The Government seeks to exploit synergies between the Norwegian bilateral programme and the work of multilateral organizations. Accordingly, Norway has preferred to pursue multilateral cooperation in certain areas and has expanded its perception of the role that multilateral organizations can play in some of its thematic initiatives. Still, there is a need for greater coordination between the bilateral and multilateral channels in the decision-making process.

51. Norway intends to provide more support to United Nations organizations in the form of core contributions but currently such contributions amount to only 54 per cent of the total funding given to and through multilateral entities. It does not have a formal policy on the proportions of core and non-core contributions. In its 2013 peer review report, OECD recognized the efforts made by Norway to strengthen the efficiency and transparency of its multilateral system, but recommended that the Government work more closely with other donors to coordinate support and achieve a greater impact.[14]

52. Norway advocates for untying aid in line with the international commitments made in Accra and Busan, Republic of Korea. All of its ODA was untied in 2012-2014

[12] See https://www.regjeringen.no/en/dokumenter/meld.-st.-10-2014-2015/id2345623/sec1.

[13] OECD, *OECD Development Co-operation Peer Review: Norway 2013*, p. 49. Available from https://www.oecd.org/dac/peer-reviews/Norway_FINAL_2013.pdf.

[14] Ibid., p. 53.

(excluding administrative costs and in-donor refugee costs), while the average for DAC countries was 80.6 per cent.

VII. Partnerships

A. Bilateral cooperation

53. The overall goal of the Government's international human rights work requires ownership and responsibility at the country level. Thus, dialogue on human rights is an integral part of the broader bilateral relations between Norway and its partner countries. The Government has promised to engage particularly in countries that are large aid recipients, where there are serious violations of human rights and/or with a significant Norwegian business activity, as well as in fragile States.

54. In its bilateral assistance, Norway prioritizes long-term partner countries and countries deemed to be in crisis or in a situation of fragility.[15] Altogether, 41 per cent of the development assistance to individual partner countries went to the Government's focus countries.

55. Norway also decided to shift a greater proportion of its official development budget to humanitarian assistance. It is significant that, while emphasizing the importance of immediate humanitarian response and humanitarian principles, Norway aims to bridge the divide between humanitarian assistance and development aid. That means addressing the root causes of crisis and increasing support to sectors such as food, livelihood and education, which have a long-term impact on sustainability. In 2014, the support provided to fragile States reached $1 billion, representing 26.1 per cent of gross bilateral ODA. This approach is perceived as a way of building a strong foundation for poverty eradication and sustainable development, while at the same time contributing to mitigating the risk of crisis. The Independent Expert views this is as a good practice of combining actions that may contribute to "preventive solidarity" and "reactive solidarity".

56. When making financial aid decisions, Norway takes into consideration national priorities, including the recipient country's willingness to govern in accordance with human rights obligations, democracy and the rule of law. The main aim of bilateral development cooperation is to strengthen the ability of partner countries to generate lasting and sustainable economic growth, as well as democratic development. Norway takes into account the recommendations emanating from the universal periodic review of partner countries, particularly the recommendations endorsed by the countries concerned. This approach is in line with the commitment made by Norway to strengthen compliance with its obligations under the International Covenant on Economic, Social and Cultural Rights in its international development cooperation and to strengthen the link to the United Nations monitoring system (see E/C.12/NOR/5, para. 16). This also reflects the Government's commitment to using both multilateral forums and bilateral political dialogue as platforms for advancing human rights. In those efforts, human rights defenders, the independent media and civil society organizations have been identified as key partners.

57. In order to uphold the Paris Declaration on Aid Effectiveness, Ownership, Harmonization, Alignment, Results and Mutual Accountability, which calls for country ownership of development strategies, Norway takes into consideration its partner countries' poverty reduction plans, which form the basis for aid programming.

B. Multilateral cooperation

58. A total of 46 per cent of Norwegian development aid was channelled through multilateral organizations in 2015, with a total contribution of NKr 15.7 billion. Between 2009 and 2013, almost three quarters of Norwegian development aid to basic education was

[15] See https://www.norad.no/en/front/about-norad/news/2016/norwegian-development-aid-in-2015/

distributed through the United Nations Children's Fund (UNICEF) and the Global Partnership for Education. There was an increase in aid to United Nations organizations in 2015, while aid decreased slightly to the World Bank Group and regional development banks. Among individual organizations, UNDP was the largest recipient, with more than NKr 1.7 billion, representing 10.4 per cent of that organization's 2015 regular budget, used to fund 2,244 projects.[16]

59. Norway is the second-largest provider of voluntary contributions to the Office of the United Nations High Commissioner for Human Rights ($14 million).[17] This is very important given that, in 2015, 54 per cent of the Office's overall budget came from voluntary contributions. The Government has also supported efforts to strengthen the integration of human rights into the work of the United Nations for many years, both politically and financially. Norway has been a prominent supporter of human rights mainstreaming within the United Nations system. It has contributed to the Secretary-General's Human Rights Up Front initiative and the human rights mainstreaming mechanism of the United Nations Development Group, which provides support and expertise to resident coordinators and United Nations country teams.

C. Cooperation with civil society organizations

60. Norwegian civil society has historically played a key role in development education and has enjoyed significant independence in engaging in a critical debate on development cooperation. The Ministry of Foreign Affairs has actively encouraged civil society organizations, even those reliant on public funding, to engage in constructive criticism regarding Norwegian ODA.

61. According to OECD, in 2014 $1 billion of the bilateral ODA of Norway was channelled to and through civil society organizations. Moreover, that amount had increased by 3.5 per cent over 2013 and as a share of bilateral ODA (from 23.7 per cent in 2013 to 26 per cent in 2014).[18] That share was higher than the DAC country average of 17.4 per cent. The Independent Expert was informed that in 2015 approximately 21 per cent of the total aid budget of Norway had been disbursed as support to civil society organizations, while 36 per cent of those funds were channelled through the civil society department of Norad. That funding was aimed at strengthening civil society in partner countries and encouraging Norwegian organizations involved in development cooperation to build the capacities of their local partners. In general, support is provided to Norwegian and international organizations with local networks of organizations based in the South.

62. Norway has a clear policy of engaging with civil society organizations, as outlined by Norad in its 2009 principles for working with organizations receiving funds. Support to civil society organizations has always been pivotal to development cooperation, as Norway believes that civil society organizations can be agents of change and innovation, and help create a vibrant civil society that supports democratic development.[19] In keeping with its focus on human rights and democracy, Norway channels its aid mainly through civil society organizations in several fragile States and in countries where discrimination is prevalent. However, the recent shift towards countries in crisis has raised concerns among long-standing development partners who fear that this may reduce funding predictability and ultimately harm relationships with partners on the ground in countries that have long benefited from development aid and do not fall under the "countries in crisis" category.

63. It is notable that calls for projects to be funded often do not systematically specify an area of intervention, although there is a long list of priority themes (such as education). The largest portfolio for civil society engagement is climate and environment. Support for civil

[16] See http://open.undp.org/#2016/filter/donor_countries-NOR/focus_area-3.

[17] Office of the United Nations High Commissioner for Human Rights, *OHCHR Report 2015*, p. 61.

[18] OECD, *Development Co-operation Report 2016: the Sustainable Development Goals as Business Opportunities*, p. 239. Available from www.oecd-ilibrary.org/development/development-co-operation-report-2016_dcr-2016-en.

[19] OECD, *OECD Development Co-operation Peer Review: Norway 2013*, p. 73.

society organizations is one of the four pillars of the International Climate and Forest Initiative. Applications are assessed on the quality of the organizational structure, management, internal monitoring and relevance to Norwegian thematic priorities. However, the Norad quality assurance department has found an over-proliferation of standards and that the demand on the set of human rights cross-cutting issues is almost impossible to meet.

D. Cooperation with European institutions

64. In its policy paper on human rights and foreign policy, Norway underscores the Government's objective of strengthening cooperation with relevant regional organizations in order to promote human rights, democracy and the rule of law. Norway currently makes the largest voluntary contributions to the work of the Council of Europe on human rights and democracy and has signed a multi-year framework agreement for its contributions, to be used primarily to finance and implement national action plans on human rights. Norway also provides funding to the European Court of Human Rights to help reduce its backlog of cases and make the European human rights system more efficient.

65. Norway has engaged in helping European Union candidate countries to meet the accession criteria and cooperates closely with the European Union and the Council of Europe in providing support to enable countries in the Western Balkans to reform their justice sectors, to strengthen the capacity of those countries to integrate human rights law into their national legislation and ensure the practical application of human rights law by the courts. The Norwegian authorities have pledged to continue to work for human rights in countries seeking closer integration with the European Union.

66. Norway uses the European Economic Area and Norway Grants to combat social and economic disparities in Europe and to strengthen contact and cooperation between Norway and 16 beneficiary countries in Central and Southern Europe, mainly through programmes run by civil society organizations. The total budget pledged for the period 2009-2014 was approximately €1.8 billion, 97.7 per cent of which was funded by Norway. All agreements and programmes under these grants prioritize human rights, democracy and the rule of law. Specific programmes address areas of specific human rights challenges, including the situation of the Roma people and other vulnerable minorities, development of the judicial system, correctional service reform, civil society activities and the development of democratic institutions with important oversight functions or key roles.

67. Norway also contributes to European cooperation through the Organization for Security and Cooperation in Europe, including through a framework agreement on funding for projects that promote human rights and civil society, and by lending expertise through the Norwegian Resource Bank for Democracy and Human Rights.

VIII. Transparency, accountability and evaluation in development cooperation

68. In its 2013 peer review report, OECD noted that "Norway aligns with its partner countries' national priorities and makes use of their institutions and systems to varying degrees depending on country context".[20] In countries marked by inequality and discrimination, Norway generally partners with civil society rather than the Government. By contrast, Norway engages in substantial collaboration with States that exhibit good democratic governance or that make a clear request for such collaboration. Norway emphasizes and promotes domestic accountability. At the country level, partnership decisions are made through collaboration between embassies, the Ministry of Foreign Affairs and Norad. According to OECD, this approach results in strategic and well-tailored partnerships.[21]

[20] Ibid., p. 68.
[21] Ibid., p. 72.

69. Norway has fairly transparent ODA reporting, in compliance with the DAC recommendations on aid and the DAC rules for statistical reporting of ODA flows. Norway has taken steps to further improve its transparency. For example, in 2013 it launched a website to publish and maintain detailed monthly project information in line with the International Aid Transparency Initiative. However, there is a lack of systematic, forward-looking information on future spending. The Independent Expert notes with appreciation that in a spirit of transparency all Norwegian aid data from 1960 to the present is accessible on the Norad website, in line with the commitment made by Norway to the principles of the Busan Partnership for Effective Development Cooperation.

70. In Norway, development cooperation "is guided by the principles of national ownership, alignment with recipient countries' systems, harmonization among donors, results-based management and mutual accountability".[37] However, for partner countries, the predictability of Norwegian aid remains partial. Norway generally provides indicative future spending for specific government-to-government programmes or projects but embassies are not able to give partner Governments a consolidated view of the funding they can expect, as the embassy manages a limited share of aid flows to a country and even that amount is not entirely committed on a multi-year basis. Embassies have limited knowledge of aid flows beyond their annual budget allocation. Therefore, there is still a need to increase predictability in long-term development assistance by entering into agreements with selected partner countries and United Nations organizations that contain multi-year commitments. For example, Norway recognizes that its profile as a credible actor in global health policy is primarily related to its rights-based approach to global health, illustrating that expectations are based on the country's commitment to the thematic rather than concrete long-term budgetary pledges.

71. Norway strongly emphasizes that integrity must be maintained wherever Norwegian funds are used. International organizations and schemes that receive Norwegian funds are expected to have in place and be able to document good preventive measures, control systems and sanctions that ensure zero tolerance for financial irregularities. If the management of funds is not satisfactory, Norway addresses it at the system level, or directly in connection with the management of individual projects involving Norwegian funds.

72. Norway, like many other donors, seems to be facing the most challenges in evaluating the impact of various development programmes, putting into question the viability of using the result-based approach to structural changes that require a long-term perspective. It is also noted that the existing framework does not necessarily capture non-quantifiable positive impacts. The results-based framework might be expanded to accommodate more qualitative methods of evaluation that could be better suited to the context and needs of the various stakeholders, including end beneficiaries.

73. According to Norad, Norwegian development policy appears to demonstrate the same strengths and weaknesses over time.[38] The two main weaknesses are the persistent lack of clear strategic guidelines and the difficulties in documenting and reporting experiences gained through Norwegian interventions. These difficulties may also be due to the fact that requirements are dispersed among various parts of the development aid administration in Norway and abroad. In 2013, OECD recommended that Norway ensure consistent quality across all evaluations, including decentralized ones, to improve its aid programme's evidence base.[39]

74. Results-based financing has also been identified by Norway as an innovative solution to various development problems. Aid is defined as results-based financing when it is based on results achieved and when the ratio between results and payment is established

[37] See https://www.oecd.org/dac/dac-global-relations/Norwegian%20Development%20Cooperation.pdf.

[38] Norad, Evaluation Department, *Learning from the Past Towards Better Development: Annual Report 2015:10*. Available from https://www.norad.no/en/tools-publications-publications-2016/annual-report-2015-evaluation-of-norwegian-development-cooperation.

[39] OECD, *OECD Development Co-operation Peer Review: Norway 2013*, p. 21.

in advance. Results-based financing is used mainly in three Norwegian aid contexts: health, the International Climate and Forest Initiative and clean energy. For example, "as part of the Norwegian health commitment, Norway has established a trust fund in the World Bank to test result-based bonuses for health workers, clinics and sometimes other institutions … to increase the number of women who give birth at health clinics. Norway has undertaken to donate NOK 2.1 billion to this fund in the period 2007-2022".[25] Norway has also entered bilateral agreements on results-based financing of health workers to promote mother-child health. Through GAVI, Norway also offers results-based financing to States to increase their vaccine coverage. However, the evaluation carried out by Norad of Norwegian development cooperation during 2015-2016 found that the evidence base for reaching conclusions regarding results-based financing was weak and that there was a need to document changes and whether they can be attributed to the programme in question.

IX. Conclusions and recommendations

75. **The Independent Expert congratulates the Government of Norway for recently adopting the white paper on human rights and foreign policy and for committing itself to implementing a human rights-based approach to development cooperation while upholding the principles of untied aid, local ownership, mutual respect and partnership. During her visit, the Independent Expert noted ample evidence of Norway paying consistent attention to accountability, transparency, good governance and participation in its development cooperation, including by giving civil society organizations an important space as implementing partners.**

76. **The Independent Expert welcomes the progressive approach adopted by Norway to humanitarian assistance and development cooperation, combining crisis response and sustainability, reflecting the three essential components of international solidarity, namely preventive solidarity, reactive solidarity and international cooperation. She notes with appreciation the efforts made by the Government to diversify the support provided to partner countries through various initiatives aimed at empowering local sectors and at strengthening accountability for the management of natural resources.**

77. **She commends the Government for its commitment to addressing the numerous challenges posed by climate change and significantly engaging on the issue of forest conservation while at the same time respecting and promoting the rights of indigenous peoples and of other forest-dependent communities.**

78. **The Independent Expert wishes to put on record that the present report alone cannot possibly do justice to all the admirable efforts that Norway has made in the area of international solidarity and that she observed during her brief visit to the country. Most significantly, the Independent Expert's observations of good practices in integrating human rights in development cooperation and in partnerships with various sectors within and outside the country, although far from perfect, have served to validate the contents of the draft declaration on the right of peoples and individuals to international solidarity (see A/HRC/26/34).**

79. **The Independent Expert offers the following recommendations to the Government, with a view to further improving on the many achievements in the field of human rights and international solidarity:**

(a) **The Independent Expert suggests that the Government harmonize its evaluation processes, which presently seem to be too fragmented to provide an overall picture of the achievements made. Norway could promote consistent quality across all evaluations, including decentralized ones, to improve its aid programme's evidence base;**

[25] Norad, Evaluation Department, *Evaluation of Norwegian Development Cooperation: Annual Report 2014/15*, p. 32. Available from https://www.norad.no/en/toolspublications/publications/2015/annual-report-2014-evaluation-of-norwegian-development-cooperation.

(b) The Independent Expert understands that implementing a human rights-based approach to development cooperation and foreign policy is relatively new in development assistance work and encourages the Government to engage in discussions with all stakeholders, including the Office of the United Nations High Commissioner for Human Rights, to determine a means of assessing the impact made on specific human rights targets while keeping in mind the end beneficiary. Such a discussion would fit in very well with the framework on measuring progress made on the Sustainable Development Goals and on financing for development;

(c) The Independent Expert suggests that the Government increase its efforts to establish a common understanding of a human rights-based approach among all its partners and stakeholders in development cooperation;

(d) Within the framework of the Government's engagement in the discussion regarding the global compact for safe, orderly and regular migration, the Independent Expert welcomes the assistance provided by Norway to refugees and encourages the Government's leadership in promoting increased opportunities for regular channels of migration as a sign of solidarity with migrants and as an acknowledgement of the positive contribution they bring to host societies in economic, social and cultural terms;

(e) The Independent Expert encourages the Government to sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. She also encourages the Government to take into consideration, in addition to the outcome of the universal periodic review, the concluding observations of the Committee on Economic, Social and Cultural Rights while negotiating partnership frameworks.